

Message

From: Wardell, Christopher [Wardell.Christopher@epa.gov]
Sent: 11/27/2018 3:09:46 PM
To: Mutter, Andrew [mutter.andrew@epa.gov]; Hestmark, Martin [Hestmark.Martin@epa.gov]; Vranka, Joe [vranka.joe@epa.gov]
CC: Smidinger, Betsy [Smidinger.Betsy@epa.gov]; Mylott, Richard [Mylott.Richard@epa.gov]; Murray, Bill [Murray.Bill@epa.gov]
Subject: RE: Montana Standard Media Query (Susan Dunlap)

Thanks I will send now.

Chris Wardell
U.S. EPA Region 8
303-312-6062
wardell.christopher@epa.gov

From: Mutter, Andrew
Sent: Tuesday, November 27, 2018 8:08 AM
To: Wardell, Christopher <Wardell.Christopher@epa.gov>; Hestmark, Martin <Hestmark.Martin@epa.gov>; Vranka, Joe <vranka.joe@epa.gov>
Cc: Smidinger, Betsy <Smidinger.Betsy@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>; Murray, Bill <Murray.Bill@epa.gov>
Subject: RE: Montana Standard Media Query (Susan Dunlap)

I spoke to Doug and we're clear to launch the below back to Susan ASAP.

Best regards,

Andrew

Andrew Mutter

Director, Office of Communication and Public Involvement
U.S. Environmental Protection Agency, Region 8 (Denver, CO)

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From: Mutter, Andrew
Sent: Monday, November 26, 2018 4:10 PM
To: Douglas Benevento (benevento.douglas@epa.gov) <benevento.douglas@epa.gov>
Cc: Betsy Smidinger (Smidinger.Betsy@epa.gov) <Smidinger.Betsy@epa.gov>; Martin Hestmark (Hestmark.Martin@epa.gov) <Hestmark.Martin@epa.gov>; Christopher Wardell (Wardell.Christopher@epa.gov) <Wardell.Christopher@epa.gov>; Libby Faulk (Faulk.Libby@epa.gov) <Faulk.Libby@epa.gov>; Vranka, Joe <vranka.joe@epa.gov>; Mylott, Richard <Mylott.Richard@epa.gov>; Bill Murray (Murray.Bill@epa.gov) <Murray.Bill@epa.gov>
Subject: Montana Standard Media Query (Susan Dunlap)

DEADLINE – 1200, 27 Nov (Tuesday)

Doug,

We received the below query from Susan today. The team has prepared the responses, but we wanted to ensure you had an opportunity to review prior to us closing it out.

For Butte:

As an initial matter, please know the time frame for completion of both a ROD Amendment and a consent decree for the BPSOU has been delayed from what we thought would occur when we gave our public presentation in May 2018. We have been working with the public on end land use issues associated with the proposed cleanup actions, among other things, which has taken time but has also been very valuable for receiving public input prior to the formal public comment periods that are part of the ROD Amendment and consent decree negotiation process. Our answers below reflect the current timing plans we have. Those plans are subject to change as we move forward in our dialogue with the community and discussions with the consent decree parties.

Q1: When will the ‘proposed plan’ i.e. ROD amendment become public? (It’s my understanding the ‘proposed plan’ and the ROD amendment are the same thing, yes?)

The Proposed Plan is a separate document from a ROD Amendment. The Proposed Plan describes EPA’s proposed changes to a Record of Decision, and a Record of Decision Amendment then documents the actual decisions EPA makes after considering public comment on the Proposed Plan.

The BPSOU Proposed Plan for a ROD Amendment may be released in December or January. That date may change as EPA reviews the document internally.

Q2: How much of a public comment period does it have?

EPA’s Superfund regulations require a minimum 30 day public comment period for a Proposed Plan which can be extended to 60 days if the public requests that. EPA is planning on a 60 day public comment period for the upcoming BPSOU Proposed Plan for a ROD Amendment.

Q3: When does the CD go to signature with all the parties?

The Consent Decree negotiation process will be conducted simultaneously with the ROD Amendment for the BPSOU Site. The current Consent Decree negotiation process calls for an end to that process to occur in the late spring or early summer. Those time frames could be extended.

Q4: When does the Butte-Silver Bow Council of Commission vote on it?

That process, including the timing of that process, will be up to Butte Silver Bow County officials.

Q5: When does the signed CD go to the public?

Once consent decree negotiations are completed and signatures obtained, the consent decree is given to the federal district court judge in a process known as lodging (the CD is provided to the court with a motion from the US Department of Justice that notes that a public comment process will now be held before the court is asked to sign the consent decree). The public comment period on a lodged consent decree is conducted by the US Department of Justice and begins with a federal register notice. The DOJ public comment period is a 30 day public comment period, per DOJ’s regulations.

Following the DOJ public comment period, the U.S. and State of Montana enforcement teams will confer on the comments received. At that point, the governments can either withdraw the consent decree, request changes to the consent decree from the responsible parties and go back to the court, or make a motion to the court to enter the consent decree with a response to public comments provided to the court. Ultimately, the federal district court judge will decide

whether to sign the consent decree or not, based on his or her review of the comments and the governments' response to those comments.

Q6: How long is the public comment period for the CD?

See above.

Q7: I know Anaconda's on a somewhat different time frame. How does it differ?

The Anaconda Smelter Site consent decree process time frames are similar to the time frames for BPSOU Consent Decree except that the schedule for Anaconda is from three to six months behind the schedule for Butte.

END

Best regards,

Andrew

Andrew Mutter

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